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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,546	01/15/2004	Shinji Mori	740165-369	3068
22204	7590	06/08/2006	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			HAUGLAND, SCOTT J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/757,546	<b>Applicant(s)</b> MORI ET AL.	
	<b>Examiner</b> Scott Haugland	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The originally filed application does not disclose that no portion of the driving mechanism extends beyond an outer edge of the leg plates as recited in claim 1, lines 10-11, that none of the drive mechanism extends beyond the edges of the back plate when the frame is viewed along an axis of rotation of the spool as recited in claim 15, that the center of mass of the webbing retractor is disposed between the leg plates and within outer edges of the leg plates when the frame is viewed along an axis of rotation of the spool as recited in claim 16, or that the clutch is disposed between the leg plates such that substantially no portion of the clutch extends beyond an outer edge of the leg plates as recited in claim 19.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 15 is unclear since it is not clear how the driving mechanism could be arranged so as to avoid extending beyond edges of the back plate when viewed along an axis of rotation of the spool.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson (U.S. Pat. No. 4,558,832) in view of Kanada et al (U.S. Pat. No. 4,787,569).

Nilsson discloses a webbing belt retractor for vehicle use comprising: a frame 31 having a pair of leg plates facing one another and a back plate integral with the leg plates, a rotatable spool 27 disposed between the leg plates to which the webbing belt

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29 is anchored and around which the webbing belt is wound, a driving mechanism 1 disposed between the leg plates and having an output shaft 7 for rotating the spool in at least a take-up direction, and a clutch 39 disposed between the leg plates, mechanically interposed between the output shaft and the spool, and transmitting rotation of the output shaft to the spool.

Nilsson does not disclose that the driving mechanism 1 is disposed between the pair of leg plates such that substantially no portion of the driving mechanism extends beyond an outer edge of said leg plates.

Kanada et al teaches forming a webbing belt retractor such that a driving mechanism (stationary portions of motor 50) is located between leg plates 18, 20 with no portion of the driving mechanism extending beyond an outer edge of the leg plates or outer edges of back plate 12. See Figs. 1 and 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to extend the leg plates of the belt retractor of Nilsson such that the driving mechanism is disposed between the pair of leg plates such that substantially no portion of the driving mechanism extends beyond an outer edge of said leg plates as taught by Kanada et al to simplify the motor mounting structure and provide greater protection for the motor.

With regard to claim 4, Nilsson discloses a clutch 39 having a first rotating body 37 which rotates due to rotation of the output shaft, a second rotating body 28 coaxial and integral with the spool, and transmitting members 41 transmitting rotation from the first to the second rotating body.

With regard to claim 6, a balance of weight can inherently be achieved in the apparatus of Nilsson.

With regard to claims 8 and 9, note output shaft side rotating member 23 and clutch side rotating member 37.

With regard to claim 9, the ratio of the output shaft side rotating member in relation to the clutch side rotating member is inherently changeable.

With regard to claim 12, it would have been obvious to substitute well known toothed belt and gears for the belt and pulleys of Nilsson to eliminate slippage in the drive train.

With regard to claim 16, the location of the center of mass of the modified retractor of Nilsson would be located as claimed.

With regard to claim 18, it would have been obvious to provide the retractor of Nilsson with an electric motor as taught by Kanada et al to permit repeated use of the motor.

Claims 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson (U.S. Pat. No. 4,558,832) in view of Rogers, Jr. (U.S. Pat. No. 4,445,604).

Nilsson is described above.

Nilsson does not disclose an output shaft side rotating member and a clutch side rotating member that are meshing gears. Nilsson does not disclose a worm gear in the driving force transmitting mechanism.

Rogers, Jr. teaches transmitting drive from a motor to a clutch in a seat belt mechanism using meshing gears 48, 52. 48 is a worm gear.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Nilsson with meshing gears including a worm gear in lieu of pulleys between the drive motor and clutch as taught by Rogers, Jr. to provide a positive, non-slip drive between the motor and clutch to ensure reliable operation.

### ***Response to Arguments***

Applicants' arguments filed 4/5/06 have been fully considered but they are not persuasive.

Applicants argue that the motor of the take up mechanism of Nilsson is not disposed between the pair of leg plates such that substantially no portion of the driving mechanism extends beyond an outer edge of the leg plates. However, the motor in Nilsson is located between the leg plates when viewed in the vertical direction in Figs. 3 and 4. Kanada et al teaches making leg plates of a seat belt retractor large enough so that no part of a drive motor extends beyond edges of the leg plates. The teachings of Kanada et al suggest extending the leg plates relative to the motor of the retractor of Nilsson so that the motor does not extend beyond the edges of the leg plates, allowing connection of the motor to the leg plates and simplifying the motor mounting structure as well as providing greater protection for the motor.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

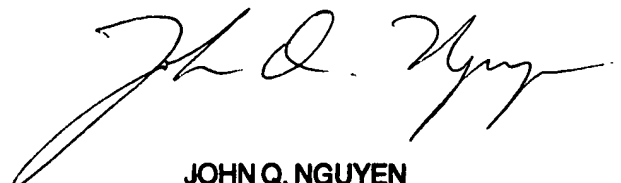
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
sjh  
6/1/06

  
**JOHN Q. NGUYEN**  
**PRIMARY EXAMINER**